

**HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES
March 15, 2012**

Member Present

Bill O'Brien, Chairman
Vic Lessard
Tom McGuirk
Bryan Provencal
Ed St. Pierre

Others Present

Joan Rice, Secretary

Chairman O'Brien called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was said.

Chairman O'Brien introduced the members of the Board.

Election of Officers

Chairman O'Brien asked for nominations for Chairman for the coming year.

Moved by Mr. McGuirk and seconded by Mr. Provencal, to appoint Bill O'Brien as Chairman of the Hampton Zoning Board of Adjustment for the coming year.

VOTE: 4-0-1 (O'Brien). Motion passed.

Chairman O'Brien asked for nominations for Vice Chairman for the coming year.

Moved by Mr. Lessard and seconded by Mr. Provencal, to appoint Tom McGuirk as Vice-Chairman of the Hampton Zoning Board of Adjustment for the coming year.

VOTE: 4-0-1 (McGuirk). Motion passed

Chairman O'Brien asked for nominations for Clerk for the coming year.

Moved by Mr. Provencal and seconded by Mr. Lessard, to appoint Ed St. Pierre as Clerk for the coming year.

VOTE: 4-0-1 (St. Pierre). Motion passed.

Chairman O'Brien asked for nominations for Alternate for the coming year.

Moved by Mr. Lessard and seconded by Mr. Provencal, to appoint Jack Lessard as Alternate for the coming year.

VOTE: 5-0-0. Motion passed unanimously.

Chairman O'Brien said others will be sought for other Alternate positions.

PETITION SESSION

10-12 ... The Petition of Richard & Martha Hyslip for property located at 1019 Ocean Blvd. seeking relief from Article IV, Section 4.5.1 to request the front portion of the existing deck an additional four feet towards the front property line. Having a 16 ft. front setback where 20 ft. is required. This property is located on Map 116, Lot 047 and in a RA Zone.

Martha Hyslip, Petitioner, and her son John Hyslip came forward. Ms. Hyslip said their deck is presently too narrow to use and they would like to extend it by four feet. Ms. Hyslip went through the five criteria and said she felt they had been met.

Questions from the Board

Mr. McGuirk asked if the Hyslips were the builders of this house. Ms. Hyslip replied that they were not.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Chairman O'Brien asked about wetlands. Ms. Hyslip said the wetlands are to the right and the Conservation Commission said there was not a problem.

Jay Diener, Chairman of the Conservation Commission, said the height of the proposed deck would not be a problem. However, the Commission would have to review the wetlands issue.

Moved by Mr. Lessard and seconded by Mr. Provencal, to grant Petition 10-12 subject to the Petitioners going before the Conservation Commission and the Planning Board for approval.

Chairman O'Brien asked the Board if they felt the five criteria had been met. All members agreed that they had.

VOTE: 5-0-0. Motion passed unanimously.

03-11 ... The rehearing of Ocean Crest Condominium Association for property located at 190 Kings Highway seeking relief from Article XVI, Sec. 2 to request a variance to allow a wireless telecommunications facility in the Business Seasonal zone. This property is located at Map N/A, Lot N/A and in a BS Zone.

At this time, Mr. St. Pierre stepped down from the Board and Mr. Jack Lessard, Alternate stepped up to the Board.

Thomas Hildreth, attorney for the Petitioner came forward.

Chairman O'Brien noted that there was a problem with the map and lot identification in the Petition which could possibly cause a rehearing at a later date. Attorney Hildreth said they would like to postpone and re-notice.

Moved by Mr. V. Lessard and seconded by Mr. McGuirk, to postpone the hearing of Petition 03-11 without prejudice until the April meeting at which time it will be first on the Agenda.

VOTE: 5-0-0. Motion passed unanimously.

At this time, Mr. J. Lessard stepped down from the Board and Mr. St. Pierre stepped up to the Board.

11-12 ... The petition of James Zegouros for property located at 421 Lafayette Road seeking relief from Article XI, Sections 11.5 and 11.5.a to use the vacant lot for a seasonal restaurant that offers takeout service. The structure is a 1963 Airstream Trailer that will be designed to attach to a permanent foundation whereby the tires will be removed and all utilities will be installed to make it a permanent structure, including electrical and Town water supply. This property is located on Map 160, Lot 24, and in a B Zone.

Jennifer Blankenship and Heidi Conlan came forward. Ms. Blankenship said their plan is to open a restaurant at 421 Lafayette Road. The format will be take-out. The structure is an Airstream trailer. Ms. Blankenship went through the five criteria and said she felt they had been met.

Questions from the Board

Mr. Lessard said that there were many abutters and neighbors who are in favor of this project. Mr. Lessard said he would be concerned about the use of porta-potties and that there is a company who could build something more permanent which could be hooked up to the sewer. Ms. Blankenship said they would be glad to do that.

Mr. McGuirk said it would be fine to put in a bathroom, but he did not think it was necessary for this application. It should just be a condition that there are no porta-potties. Mr. Provencal agreed with Mr. McGuirk.

Comments from the Audience

Roseanne Perry, Greenland NH, said she was in support of this project. She said this will add new jobs to the area.

Greg Parrish, 427 Lafayette Road, said he was very much against this project because of safety and traffic issues. Mr. Parrish said he felt this would cause a hardship for his business.

Mr. Lessard said the Petitioners would have to go before the Planning Board to address these issues.

Leslie LaFond said she was in support of this project as it will bring business into Hampton.

Back to the Board

Parking was discussed. Chairman O'Brien said if there was a potential parking problem it could be resolved later. It was noted by other members of the Board that other businesses in the area do not have specifically designated parking.

Chairman O'Brien said he would be against this Petition because the Petitioners are here only asking for relief from 11.5 and 11.5a. They will not comply with the dispensing of food and drink requirements if relief is granted and that creates a problem for him.

Mr. St. Pierre said he would like to see this eventually evolve into a regular building.

Moved by Mr. Lessard and seconded by Mr. McGuirk, to grant Petition 11-12 subject to approval of the Planning Board for a change of use and that there be no porta-potties on the lot.

Chairman O'Brien asked the Board if they felt the five criteria had been met. Mr. Lessard, Mr. McGuirk, Mr. Provencal and Mr. St. Pierre said they had. Chairman O'Brien said he did not feel the five criteria were met.

VOTE: 4-1 (O'Brien) – 0. Motion passed.

At this time, Mr. McGuirk stepped down from the Board and Mr. Jack Lessard stepped up to the Board.

12-12 ... The petition of V.R. Realty Trust for property located at 127 Ocean Blvd. seeking relief from Article V, Sections 5.2, 5.4.1(a) and 5.4.2 A-3 to allow two panels of an existing sign to be replaced with an “electronic message center” informational panel of the same size as the combined size of the two replaced panels where the information on the panel would change more than eight times a day. The property is located on Map 290, Lot 5-1, Map 290, and in a BS Zone.

Mr. Mercedi, Petitioner, Kevin Brown and Attorney Peter Saari came forward. Attorney Saari said there are three variances that come in play with this petition. The petitioner has a sign that is old and has changeable copy. He wants to replace it with an electronic message center. All this sign would have is a message that would not change often enough to distract motorists. It is not animated. The purpose of the sign ordinance is to promote a business and not be distracting. Attorney Saari went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. V. Lessard said he felt this sign would be good. Chairman O'Brien asked if the sign would be the same size as the present one. Mr. Brown replied that it would. Chairman O'Brien asked if there would be any flashing, blinking, pulsing, strobing lights, etc. Mr. Brown said there would not. Chairman O'Brien asked how often the present sign changes now. Mr. Brown said about once every minute. Chairman O'Brien said that when he drove by to see the property, the sign changed every 4-5 seconds. Mr. Mercedi and Kevin Brown indicated they would correct the timing to once a minute.

Comments from the Audience

Tom McGuirk, 950 Ocean Blvd., came forward. He said this property sets the standard for the way buildings should be maintained and everyone should do what the petitioner is asking for.

Back to the Board

Moved by Mr. V. Lessard and seconded by Mr. Provencal, to grant Petition 12-12 subject to the changeable copy occurring at one minute intervals or greater.

Chairman O'Brien asked the Board if they felt the five criteria had been met. All members agreed that they had.

VOTE: 5-0-0. Motion passed unanimously.

13-12 The petition of TRD Entertainment Co. LLC for property located at 81 Ocean Blvd. seeking relief from Article V, Sections 5.2, 5.4.2 (A) 3 + C1 to install freestanding and projecting signs as well as multiple wall signs. The property is located on Map 293, Lot 23/1, and in a BS Zone.

Peter Anzolani, Ocean Gaming, and Tim Sullivan, Barlo Signs, came forward. Mr. Sullivan said they were eliminating some signs that were requested in their petition. They are dealing now with only two signs – a free standing pylon with electrical changing board and a wall sign that says “Casino”. The “Casino” sign would be a projecting sign, 10 inches where 6 inches is allowed. This is due to electronics depth. The free standing sign would have zero set back from the property line. The purpose of these signs is to have an attractive façade. Mr. Sullivan went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. Provencal asked if there had been restrictions on the signs previously. Mr. Anzolani said no. Mr. St. Pierre said the setback of the free standing sign is zero. He asked what the requirement was. Mr. Provencal said the requirement is four feet.

Chairman O’Brien asked if there would be blinking, pulsing, etc. on the electronic sign. Mr. Sullivan said there would not. Changes would be limited to once a minute or possibly even every two minutes.

Comments from the Audience

Mr. McGuirk said he was a neighbor of the applicant and was in favor of this project because there is a need to attract business and signage would help accomplish this.

Back to the Board

Mr. St. Pierre said he had visited the property and he felt more signage is needed.

Mr. J. Lessard said he was 100% in favor of this petition.

Moved by Mr. Provencal and seconded by Mr. V. Lessard, to grant only two signs for Petition 13-12 subject to the changeable copy occurring at one minute intervals or greater.

Chairman O’Brien asked the Board if the five criteria had been met. All members agreed that they had.

VOTE: 5-0-0. Motion passed unanimously.

At this time Mr. J. Lessard stepped down from the Board and Mr. McGuirk stepped up to the Board.

14-12 ... The petition of Richard and Arlene Stammer for property located at 823 Ocean Blvd. seeking relief from Article 1.3 and IV, Section 4.5.2 to convert attic space in back half of house into living space. This requires changing roof in back half from hip roof to gable roof. It also requires raising walls on back half of the house. The property is located on Map 197, Lot 23, and in a RA Zone.

Richard and Arlene Stammer, Petitioners, came forward. Mr. Stammer said they would like to convert attic space into living space. There will be no footprint change. Mr. Stammer went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. St. Pierre asked what the finished height would be since no measurement is shown on the drawings and the ordinance states it must be less than 35 feet. Mr. Stammer said it would be 34-1/2 feet.

Mr. Lessard asked about the height of the chimney. Mr. Stammer said it will also be less than 35 feet.

Chairman O'Brien asked if there would be a spiral staircase. Mr. Stammer said there would be and Kevin Schultz had looked at it.

Comments from the Audience

There were no comments from the audience.

Back to the Board

Moved by Mr. Provencal and seconded by Mr. St. Pierre, to grant Petition 14-12 with the stipulation that they remain under 35 feet.

Chairman O'Brien asked the Board if the five criteria had been met. All members agreed that they had.

VOTE: 5-0-0. Motion passed unanimously.

15-12 The petition of GMC Group Limited Partnership for property located at 61 High Street seeking relief from Article VI, Sections 6.3.5 to allow renovations of existing building (previously used as café bakery) to allow for operation of full service pizza/flatbread restaurant. Restaurant seeks to have 90 interior seat and 30 additional seats outside for

seasonal outside dining. The property is located on Map 116, Lot 17, Map 290, and in a B Zone.

Attorney Christos Valhouli representing Frank Catapano, GMC Group Limited Partnership, and John Meehan, owner of Flatbread Pizza, came forward. Attorney said they needed a variance because the ordinance says there must be one parking space for every three seats in a restaurant. The plan shows nine spots. Attorney Valhouli said this property is close to the municipal lot. Attorney Valhouli went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. St. Pierre asked if they had considered the parking area behind the property. Mr. Meehan said that property belongs to Portsmouth Hospital and that he would inquire about this. Mr. St. Pierre asked how they came up with the occupancy number of 90. Mr. Meehan replied that this is the number needed to make the business viable.

Chairman O'Brien asked if they planned to extend in back. Attorney Valhouli said they might do a small extension that would not affect the setbacks.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. Provencal and seconded by Mr. Lessard, to grant Petition 15-12.

Chairman O'Brien asked the Board if they felt the five criteria had been met. All members agreed that they had.

VOTE: 5-0-0. Motion passed unanimously.

BUSINESS SESSION

Adoption of Minutes

Moved by Mr. St. Pierre and seconded by Mr. Provencal, to approve the Minutes of February 16, 2012.

VOTE: 5-0-0. Motion passed unanimously.

Chairman O'Brien said he had received a request today for a motion for rehearing of Petition 08-12, California Property Management Company. He asked for a motion to acknowledge receipt and indicated that members should be prepared to discuss the rehearing petition at their next meeting.

Moved by Mr. St. Pierre and seconded by Mr. Provencal, to acknowledge receipt of a request for a motion for rehearing of California Property Management Company, Petition 08-12.

VOTE: 5-0-0. Motion passed unanimously.

Chairman O'Brien indicated that members should be prepared to discuss any recommended changes to the current Rules of Procedure at their next meeting.

Adjournment

There being no further business, the meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Joan Rice
Secretary